



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:
W-15J

APR 21 2014

Mrs. Vicki Askins
6335 Solether Road
Cygnet, Ohio 43413

Re: Freedom of Information Act Request EPA-R5-2014-004344

Dear Mrs. Askins:

This letter responds to your Freedom of Information Act (FOIA) request dated March 8, 2014. You requested from the U.S. Environmental Protection Agency copies of all communications regarding CAFO permitting authority between EPA and the Ohio Department of Agriculture and Ohio Environmental Protection Agency since July 25, 2013. The response to your request was due on April 7, 2014. However, as the response was about to be sent to you, it came to our attention that one of the documents requested was marked with a copyright symbol and is treated as confidential business information, until a determination is made. The document in question, dated July 5, 2013 from Lexis Nexis, was an attachment to an email. Subsequent to discussions in our office regarding the document in question, Michael Berman, Office of Regional Counsel, contacted you on April 15, 2014 to determine whether you wanted this information. You indicated you did not want this attachment and it was removed from the packet.

Documents responsive to your request within the control of the Water Division and the Office of Regional Counsel have been uploaded to the FOIA Online system. The Region 5 FOIA office will provide you a link to the records. Enclosure A is an itemized list of the documents we are releasing. However, we are unable to provide you with portions of one of the documents responsive to your request because we have determined that parts of the document are exempt from mandatory disclosure under Exemption(s) 6 and 7(C) of FOIA, 5 U.S.C. § 552(b)(6) and (7)(C). Exemption 6, 5 U.S.C. § 552(b)(6), protects information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." Exemption 7(C), 5 U.S.C. § 552(b)(7)(C), protects law enforcement information, the disclosure of which "could reasonably be expected to constitute an unwarranted invasion of personal privacy."

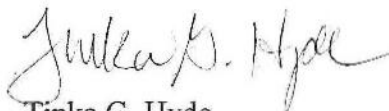
An itemized list of the withheld material, along with the basis for withholding and an estimate of the volume of withheld materials is provided in Enclosure B to this letter.

You are not being charged for any costs, since the search time was under two hours.

You may appeal this response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, NW (2822T), Washington, D.C. 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, email: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, NW, Room 6416J, Washington, D.C. 20004. Your appeal must be made in writing and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the request number EPA-R5-2014-004344. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Please contact Lillie Davis, at (312) 353-2202, or Michael Berman, at (312) 886-6837, if you have any questions about this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tinka G. Hyde".

Tinka G. Hyde
Director, Water Division

Enclosures

Enclosure A

FOIA Tracking Number: EPA-R5-2014-004344

Enclosure Number	Date	Description	From	To	Number of Pages
OR-1	2013-07-30 3:01 PM	electronic mail message: Ohio's Criminal Statutes with attachment: As Enrolled NPDES Language 40 CFR 123.27 Requirements for enforcement; Language for U.S. EPA email	Kevin Elder, OH AG - Division of Livestock Environmental Permitting	Julianne Socha and Michael Berman, EPA	3
OR-2	2013-09-18 5:20 PM	electronic mail message: Request CAFO numbers Due: October 3 with attachment: 2013 End of Year - CAFO permit actions – requests to States	Julianne Socha, EPA	Dan Heacock, Travis Goodwin, Lisa Scheirer (MPCA), Thomas Bauman (S-DNR), Cathy Alexander, bitondom@michigan.gov	1
OR-3	2013-09-26 8:38 AM	electronic mail message: Request for CAFO numbers Due: October 3 with attachment: OH EPA nos.	Cathy Alexander, OH EPA - Division of Surface Water	Julianne Socha, EPA	2
OR-4	2013-09-26 9:21 AM	electronic mail message: Request for CAFO numbers Due: October 3	Cathy Alexander, OH EPA - Division of Surface Water	Julianne Socha, EPA	1
OR-5	2013-10-22 9:24 AM	electronic mail message: NPDES	Kevin Elder, OH AG - Division of Livestock Environmental Permitting	Julianne Socha, EPA	1
OR-6	2013-10-28 12:27 PM	electronic mail message: FY'14 CAFO permit commitments – Due October 22	Cathy Alexander, OH EPA - Division of Surface Water	Julianne Socha, EPA	1

Enclosure A

FOIA Tracking Number: EPA-R5-2014-004344

Enclosure Number	Date	Description	From	To	Number of Pages
OR-7	2013-10-28 2:17 PM	electronic mail message: Ohio Legal Authority Review with attachments (4): National Pollutant Discharge Elimination System - State Legal Authority Review Checklist – Legal Review Checklist - Legal Authority Reviews Sequencing for Contractor Legal Review Checklist – Appendices 12-1-13	Cathy Alexander, OH EPA - Division of Surface Water	Julianne Socha, EPA	87
OR-8	2013-11-01 10:28 AM	electronic mail message: New CAFO Staff at Ohio EPA DSW – Follow-Up	Cathy Alexander, OH EPA - Division of Surface Water	Todd Taylor, Theresa Dirksen, Matt Heckler, Aaron Hellers, T.J. Place, Rikki Knerr, Frances Springer, Kevin Elder, Andy Ety, Mark Fritz, Christine Pence, Jim Young, Bill Palmer, Matt Deaton, Rob Hamilton, Jocelyn Henderson, Kirk Hines, Tom Holmes, Jon Jamison, Bob Mulligan, Mike Gerber, Julianne Socha, Cheryl Burdett, Anne Marie Vincent, Elizabeth Wick, Tom Poffenbarger, Debora Roth, Martyn Burt, Rich Blasick, Tim Campbell, Jennifer Witte, Mike Gallaway, Erin Sherer, Chris Holmes, Tom Holmes	1

Enclosure A

FOIA Tracking Number: EPA-R5-2014-004344

Enclosure Number	Date	Description	From	To	Number of Pages
OR-9	2014-01-21 11:06 AM	electronic mail message: CAFO NPDES Permit – Reyskens Dairy with attachment (1) Reyskens Response to Comments Final.doc	Jon Jamison, OH EPA – Division of Surface Water	Julianne Socha, Cheryl Burdett, EPA	31
OR-10	2014-01-24 10:51 AM	electronic mail message: LEPP Rule Changes with attachments (2): LEPP 5 YR Amended Rules LEPP 5 YR No Change Rules DRAFT – NOT FOR FILING – As is in Administrative Code - Revised Code Definitions DRAFT – NOT FOR FILING – Trade secrets requests for confidentiality	Kevin Elder, OH AG - Division of Livestock Environmental Permitting	Julianne Socha, EPA	1 69 29
OR-11	2014-01-28 6:18 PM	electronic mail message: LEPP Rule Changes	Kevin Elder, OH AG - Division of Livestock Environmental Permitting	Julianne Socha, EPA	4
OR-12	2014-01-29 10:11 AM	electronic mail message: LEPP Rules Changes	Kevin Elder, OH AG - Division of Livestock Environmental Permitting	Julianne Socha, EPA	4
OR-13	2014-02-03 10:36 AM	electronic mail message: request for permit numbers and FYI with attachment: Final 2013 EOY_CAFO permit actions.xlsx	Julianne Socha, EPA	Dan Heacock, Travis Goodwin, Mike Bitondo (DEQ), Lisa Scheirer (MPCA), hunter.young@epa.ohio.gov , Cathy Alexander, Thomas Bauman S (DNR)	1

Enclosure A

FOIA Tracking Number: EPA-R5-2014-004344

Enclosure Number	Date	Description	From	To	Number of Pages
OR-14	2014-02-03 10:36 AM	electronic mail message: request for permit numbers and FYI with attachment: Final 2013 EOY_CAFO permit actions.xlsx	Julianne Socha, EPA	Dan Heacock, Travis Goodwin, Mike Bitondo (DEQ), Lisa Scheirer (MPCA), hunter.young@epa.ohio.gov, Cathy Alexander, Thomas Bauman S (DNR)	1
OR-15	2014-02-03 12:34 PM	electronic mail message request for permit numbers and FYI with attachment: Copy of 2014 Q1_CAFO permit actions.xlsx	Cathy Alexander, OH EPA - Division of Surface Water	Julianne Socha, EPA	2

Enclosure B – Redacted Record(s)

FOIA Tracking Number: EPA-R5-2014-004344

1. E-mail from Julianne Socha to Cathy Alexander, dated August 22, 2013; Exemptions 6 and 7C;
Partial redaction of document